



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Communications (July 29, 1993 through August 11, 1993)

MEETING DATE: August 18, 1993

PREPARED BY: City Clerk

### RECOMMENDED ACTION:

#### AGENDA ITEM

#### RECOMMENDATION


Discussion and appropriate action.

#### BACKGROUND INFORMATION:

The following communication was received between the dates of July 29, 1993 and August 11, 1993.

The attached information (marked Exhibit A) was received from Marty Yoder regarding pet fair and pet licensing fees. Representatives will be present to make a brief presentation.

FUNDING: None required.

  
Jennifer M. Perrin  
City Clerk

JMP

COUNCOM8/TXTA.02J/COUNCOM

APPROVED \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



recycled paper

**EXHIBIT A**

**LODI PET FAIR '93**

Lodi Pet Fair '93, sponsored by Robinsons Feed Co., is an event planned as a fundraiser for Animal Friends Connection and The Delta Humane Society.

This is to become an annual event to: Promote humane education, proper pet health care, pet licensing & how to control pet over-population.

The Lodi Pet Fair will be held at Tony Zupo Field, next to the Lodi Grape Bowl. Lodi is an ideal location for all those who attend from the Central Valley, Foothills, and the Bay Area.

The date for this exciting event will be Sunday Oct. 3, 1993, 9:00 A.M to 5:00 P.M. This ties in with Monday Oct. 4th, St. Francis of Assisi Day, Patron Saint of the Animals. The Fair will close with an Animal Blessing.

Organized by: Pat Sherman, Board Member of The Delta Humane Society, & Animal Friends Connection, & By: Marty K. Yoder, Buyer For Robinsons Feed Company. All persons involved are volunteering their time. Donations, raffle prizes & volunteers are all needed.

Some, but not all of the activities planned for the day are: Obedience Clinics, Grooming Demos, Dental Hygiene, Law Enforcement K-9's, Agility Demonstrations, Search & Rescue K-9s, Shot Clinic, Amnesty Day For Pet Licensing, Pet Sitting, Flea Dip, Border Collie Herding Demonstrations, LLama's as Pack Animals, Drug Dogs, Veterinarian Talks, Childrens Pet Parade, Live Music, Breed Rescue Groups, Exotic Animal Groups, as well as Concessions & Raffles. Admission will be \$1.50 for adults, \$1.00 for children & seniors, \$5.00 for a family of 5 or more, Pets admitted Free!!

Advertising, & Sponsorships are being sold to raise money.

**We thank you for any consideration given to this worthy event.**

## ***LODI PET FAIR 93'***

This event is planned as a fundraiser for *Animal Friends Connection*, and the *Delta Humane Society*. It is also to promote Humane Education, Proper Pet Care, Pet Licensing, and how to Control Pet Overpopulation.

**Date:** Sunday Oct. 3, 1993. It ties in with Oct. 4th, St. Francis of Assisi, Patron Saint of Animals.

**Time:** 9:00 am. to 5:00 pm.

**Location:** Tony Zupo Field (Next to the Grape Bowl). Lodi, Ca.

**Organizers:** Marty K. Yoder 368-2718  
Buyer  
Robinsons Feed Co.

Pat Sherman 333-1239  
Board Member of  
Delta Humane Society.  
Animal Friends Connection

**Comment:** This event has promoted tremendous interest & excitement, we plan to make this an annual event. Lodi is an ideal location for all those who will attend from Sacramento, Stockton, Elk Grove, Galt, Modesto, and the Mother Lode.

**Comment:** All persons involved in this event are donating time & supplies and are working on a very small budget. We would appreciate any consideration that you can give in the matter of donations & support. Thank You.

**Respectively Submitted:**

Pat Sherman

Marty K. Yoder

GOVT.

H. & S.

PENAL

**Cats: Spay/Neuter Deposit Required.**

(Ed. & Agr. 31751.) (a) No public pound or society for the prevention of cruelty to animals, shelter or humane shelter shall sell or give away any cat that has not been spayed or neutered unless a deposit for spaying or neutering the cat has been tendered to the pound or shelter. The deposit shall be in the amount determined by the pound or shelter to be comparable to the lowest fee charged by veterinarians in the locale, but shall not exceed thirty dollars (\$30). A veterinarian shall perform the operation. If a female cat and her kittens are sold or given away to one individual, only a single deposit shall be required. The pound or shelter may make appropriate arrangements for the spaying or neutering of the cat, or may return the deposit to the person purchasing or receiving the cat upon presentation of a written statement or receipt from the veterinarian or clinic that the cat has been spayed or neutered. The deposit may also include the amount necessary to recover any additional costs under this section.

(b) All cats over six months of age at the time they are sold or given away by the pound or shelter shall be spayed or neutered within 60 days, or the deposit shall be deemed unclaimed. All cats six months of age or younger at the time they are sold or given away by the pound or shelter shall be spayed or neutered within six months, or the deposit shall be deemed unclaimed.

(c) Any deposit not claimed under subdivision (a) shall be used only for the following purposes:

- (1) A public education program to prevent overpopulation of cats and dogs.
- (2) A program to spay or neuter cats and dogs.
- (3) A followup program to assure that animals sold or given away by the pound or shelter are spayed or neutered.
- (4) Any additional costs incurred under this section.

(d) Public pounds, society for the prevention of cruelty to animals shelters, and humane shelters may enter into cooperative agreements with each other and with veterinarians in carrying out this section. (Enacted 1973, amended 1985.)

**Half Fee for Spayed or Neutered Cats**

(Ed. & Agr. 31751.5.) Whenever a city or county requires cat license tags, any such tag shall be issued for one-half or less of the fee required for a cat, if a certificate is presented from a licensed veterinarian that the cat has been spayed or neutered. (Enacted 1977.)

**Cats: 72-Hour Impound: Exceptions.**

(Ed. & Agr. 31752.) No stray cat which has been impounded by a public pound, society for the prevention of cruelty to animals shelter, or humane shelter shall be killed before 72 hours have elapsed from the time of the capture of the stray cat.

**Misdemeanor; Violation Reduced to Infraction by County Ordinance.**

(Gov. 25132.) (a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. Such a violation may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding ~~one hundred dollars (\$100)~~ <sup>100.00</sup> for a first violation, (2) a fine not exceeding ~~two hundred dollars (\$200)~~ <sup>200.00</sup> for a second violation of the same ordinance within one year, (3) a fine not exceeding ~~two hundred fifty dollars (\$250)~~ <sup>500.00</sup> for each additional violation of the same ordinance within one year. (Enacted 1975.) (Amended 1982.)

**Preservation of Health of Domestic Livestock: Payment of Expenses.**

(Gov. 25800.) The board of supervisors shall adopt orders and enact ordinances not in conflict with state or federal laws necessary for the preservation of the health of domestic livestock, and provide for the payment of all expenses incurred in enforcing them. The expenses of enforcement are a county charge and are payable in the same manner and out of the same funds as other county charges are paid. (Enacted 1947.)

**Constable to Perform Duties of Poundmaster.**

(Gov. 27822.) If a pound district is created by the board of supervisors pursuant to law and no pound master is appointed for the district or if appointed has not qualified, the constable shall perform the duties of the poundmaster in districts in the judicial district for which he is elected or appointed and shall collect for his services the fees allowed by law to pound masters. (Enacted 1947, last amended 1981.)

**City Ordinance May Reduce Misdemeanor to Infraction: Maximum Penalties.**

(Gov. 36900.) (a) Violation of a city ordinance is a misdemeanor unless by ordinance it is made an infraction. Such a violation may be prosecuted by city authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding fifty dollars (\$50) for a first violation, (2) a fine not exceeding one hundred dollars (\$100) for a second violation of the same ordinance within one year, (3) a fine not exceeding two hundred fifty dollars (\$250) for each additional violation of the same ordinance within one year. (Enacted 1949, amended 1974.)

**City Authority to License Dogs: Maximums: Half-Price for Spay/Neuter.**

(Gov. 38792.) (a) The legislative body of a city may impose and collect a license fee for a period not to exceed two

years and not exceeding the cost of services relating to dogs, including, but not limited to, animal shelters and control and the programs specified in Section 30652 of the Food and Agricultural Code, provided by the city, on every dog owned or harbored within the city limits. The license fee for spayed bitches and neutered males shall be 50 percent of the license fee otherwise imposed.

(b) In addition to the authority provided in subdivision (a), the legislative body of a city may impose and collect a license fee, as described in subdivision (a), for a period not to exceed three years for dogs that have attained the age of 12 months or older and have been vaccinated. The person from whom the license fee is collected pursuant to this subdivision may choose a license period of one, two, or three years. However, when imposing and collecting a license fee pursuant to this subdivision, the license period shall not extend beyond the remaining period of validity for the current rabies vaccination. The license fee for spayed bitches and neutered males, under this subdivision, shall not exceed 50 percent of the license fee otherwise imposed. (Enacted 1949, last amended 1986.)

**Dogs: Seizure and Impoundment on Private Property**

(Gov. 53074.) Notwithstanding any other provision of law or any local ordinance, an officer or employee of any animal control agency shall not seize or impound a dog for the violation of an ordinance requiring a dog to be leashed or issue citations for violation of such ordinance when the dog has not strayed from and is upon private property owned by the dog owner or the person who has a right to control the dog, or upon private property to which the dog owner or person who has a right to control the dog has a right of possession.

A dog that has strayed from but then returned to the private property of his owner or the person who has a right to control the dog shall not be seized or impounded, but in such a case a citation may be issued, provided, however, that if in such a situation the owner or person who has a right to control the dog is not home, the dog may be impounded, but the officer or employee of any animal control agency shall post a notice of such impounding on the front door of the living unit of the owner or person who has a right to control the dog. Such notice shall state the following: that the dog has been impounded, where the dog is being held, the name, address, and telephone number of the agency or person to be contacted regarding release of the dog, and an indication of the ultimate disposition of the dog if no action to regain it is taken within a specified period of time by its owner or by the person who has a right to control the dog.

This section shall not otherwise affect existing authority to seize or impound a dog or issue citations, as a result of a dog's being on property other than that owned by its owner or the person who has a right to control the dog.

ment open to public inspection. (Enacted 1933, last amended 1969.)

#### Fee.

(Ed. & Agr. 30804.) The fee for the issuance of the dog license tag is fifty cents (\$0.50). The board of supervisors may, however, increase the fee. (Enacted 1933, last amended 1967.)

#### Half Fee for Spayed or Neutered Dogs.

(Ed. & Agr. 30804.5.) Whenever dog license tags are issued pursuant to this division, any such tag shall be issued for one-half or less of the fee required for a dog, if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered. (Enacted 1933.)

#### Compensation of Clerk or Animal Control.

(Ed. & Agr. 30805.) The board of supervisors shall fix the compensation of the county clerk or animal control department for issuing dog license tags. (Enacted 1933, last amended 1969.)

#### Animal Control.

(Ed. & Agr. 30806.) In any county that does not have an animal control department, the county clerk shall perform the functions assigned to the county animal control department in this chapter. (Secs. 30801, 30806.) (Enacted 1969.)

#### Collar and Tag.

(Ed. & Agr. 30951.) It is unlawful for any person to own, harbor, or keep any dog over the age of four months, or to permit such a dog which is owned, harbored, or controlled by him to run at large, unless the dog has attached to its neck or leg a substantial collar on which one of the following is fastened:

(a) A metallic tag which gives the name and post office address of the owner.

(b) A metal license tag which is issued by the authority of a county, city and county, or any municipal corporation for the purpose of identifying the dog and designating the owner. (Enacted 1933, last amended 1967.)

#### Tagging a Dog Not Described in Application.

(Ed. & Agr. 30952.) It is unlawful for any person to attach a license tag to the collar of any dog except the dog which is described in the application for such license tag. (Enacted 1933, last amended 1967.)

#### Unlawful Killing, Injuring or Impounding.

(Ed. & Agr. 30953.) Except as otherwise provided in this division, it is unlawful for any person to kill, injure, or im-

pound any dog, if the owner of the dog has complied with the provisions of this division. (Enacted 1933, last amended 1967.)

#### Female in Heat: Permitting to Run at Large.

(Ed. & Agr. 30954.) It is unlawful for any person to permit any female dog which is owned, harbored, or controlled by him, to run at large at any time during the period when the dog is in heat or breeding condition. (Enacted 1933, last amended 1967.)

#### Running at Large on Farm Prohibited: Exceptions.

(Ed. & Agr. 30955.) It is unlawful for any person to permit any dog which is owned, harbored, or controlled by him to run at large on any farm on which livestock or domestic fowls are kept, without the consent of the owner of the farm except for herding livestock, hunting or sporting purposes, or any competitive trials when the dog is within reasonable control or call of his owner or the agent of his owner. (Enacted 1933, last amended 1967.)

#### Dogs: Livestock: Restitution.

(Ed. & Agr. 30956.) In an action for violation of Section 30955, the court may stay imposition of a sentence and order the defendant to compensate the owner of the farm in an amount equal to the cost of the damage done by the defendant's dog. If the defendant refuses to compensate the owner under this section, the court shall impose the appropriate sentence.

Acceptance by the owner of compensation under this section precludes that person from bringing an action under any other law for damages caused by the defendant's dog.

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(Enacted 1981.)

#### Seizure and Impounding.

(Ed. & Agr. 31101.) Any dog which is found running at large without the identification tag or dog license tag which is required pursuant to Section 30951 may be seized and impounded by any peace officer. (Enacted 1933, last amended 1967.)

#### Killing Dog Worrying, etc., Livestock or Poultry.

(Ed. & Agr. 31102.) Except in an area in which the provisions of Article 2 (Sections 31151 through 31153) of this chapter apply or as otherwise provided in Section 31104, any person may kill any dog in any of the following cases:

(a) The dog is found in the act of killing, wounding, or persistently pursuing or worrying livestock or poultry on land

(c) Any deposit not claimed under subdivision (a) shall be used only for the following purposes:

- (1) A public education program to prevent overpopulation of dogs and cats.
- (2) A program to spay or neuter dogs and cats.
- (3) A followup program to assure that animals sold or given away by the pound or shelter are spayed or neutered.
- (4) Any additional costs incurred under this section.
- (d) Public pounds, society for the prevention of cruelty to animals shelters, and humane shelters may enter into cooperative agreements with each other and with veterinarians in carrying out this section. (Enacted 1985.)

#### Disposition of License Fees and Fines; Claim for Killed Livestock.

(Ed. & Agr. 30651.) As used in this chapter (Sections 30651-30655), "livestock" includes domestic fowls and rabbits. (Enacted 1933, last amended 1967.)

(Ed. & Agr. 30652.) All fees for the issuance of dog license tags and all fines collected pursuant to this division shall be paid into the county, city, or city and county treasury, as the case may be, and shall be used:

- (a) First, to pay fees for the issuance of dog license tags.
  - (b) Second, to pay fees, salaries, costs, expenses, or any ordinances which are made pursuant to this division.
  - (c) Third, to pay damages to owners of livestock which are killed by dogs.
  - (d) Fourth, to pay costs of any hospitalization or emergency care of animals pursuant to Section 5971 of the Penal Code. (Enacted 1933, last amended 1970.)
- (Ed. & Agr. 30653.) Each such claim for damages is governed by Part 3 (commencing with Section 940) and Part 4 (commencing with Section 940), Division 3.6, Title 1 of the Government Code, except that the claim, as presented, shall be accompanied by the affidavits of two disinterested witnesses executed within four days after the finding of the carcass of the animal. (Enacted 1933, last amended 1967.)
- (Ed. & Agr. 30654.) The affidavits shall fix the value of the livestock and establish the fact beyond reasonable doubt that the animal was killed by a dog. (Enacted 1933, last amended 1967.)
- (Ed. & Agr. 30655.) If a claim is allowed, it shall be paid from the fund which is provided for in this chapter in the same manner as other claims against the county are paid. (Enacted 1933, last amended 1967.)

#### Alternative Claim Procedure. Animal Control Officer.

(Ed. & Agr. 30656.) (a) Any county, city, or city and county may, by ordinance, elect to utilize the provisions of this section in lieu of Sections 30653 and 30654.

(b) The claim for damages to livestock, in addition to being governed by Part 3 (commencing with Section 940) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, shall be accompanied by a statement by the local animal control officer relating to the probable cause of death of the animal and by proof submitted by the owner of the livestock to establish the value of the animal.

(c) The statement submitted by the local animal control officer shall set forth the facts upon which the officer's statement is based and shall indicate whether, to the best of the officer's knowledge, the animal was killed by a dog. (Enacted 1983.)

#### County Authority to License Dogs.

(Ed. & Agr. 30801.) (a) A board of supervisors may provide for the issuance of serially numbered metallic dog licenses pursuant to this section. The dog licenses shall be:

- (1) Stamped with the name of the county and the year of issue.
- (2) Unless the board of supervisors designates the animal control department to issue the licenses, issued by the county clerk directly or through judges of justice or municipal courts, to owners of dogs, that make application.
- (b) The licenses shall be issued for a period of not to exceed two years.

(c) In addition to the authority provided in subdivisions (a) and (b), a license may be issued, as provided by this section, by a board of supervisors for a period not to exceed three years for dogs that have attained the age of 12 months, or older, and who have been vaccinated against rabies. The person to whom the license is to be issued pursuant to this subdivision may choose a license period as established by the board of supervisors of up to one, two, or three years. However, when issuing a license pursuant to this subdivision, the license period shall not extend beyond the remaining period of validity for the current rabies vaccination. (Enacted 1933, last amended 1987.)

#### Application.

(Ed. & Agr. 30802.) Each application for a dog license tag shall state the age, sex, color, and breed of the dog for which the license is desired and the address of the owner. (Enacted 1933, last amended 1967.)

#### Endorsement of Tag Number.

(Ed. & Agr. 30803.) The county clerk or animal control department shall endorse upon the application for a dog license tag the number of the license tag issued.

All applications which have been endorsed shall be kept on file in the office of the county clerk or animal control department.